

### **REMARKS**

Claims 1, 3-10 and 12-26 are now pending in the application. Claims 7, 8, 17, 18 and 25 are cancelled herein. Presented Claims 30-36 are added herein. Claims 1, 10 and 20 are amended herein. While Applicants disagree with the current rejections, Applicants have amended the claims to expedite prosecution. Support for the amendments to the claims can be found throughout the drawings and specification. As such, no new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 3-10 and 12-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Buchanan et al. (U.S. Pat. No. 6,715,597). This rejection is respectfully traversed.

With respect to Claim 1, Buchanan does not at least show, teach or suggest a controller that estimates a temperature state that includes a bulk friction device temperature of a friction device based on an estimated heat rate of the friction device.

As best understood by Applicant, Buchanan discloses determining a bulk clutch temperature based on a power value, which is in turn based on an input torque and a slip speed.

Buchanan does not determine a heat rate of a friction device. The bulk clutch temperature is not a heat rate. Note that the terms "heat rate" and "rate" are not used in Buchanan. The term heat rate, at least with respect to the present application, may refer to an instantaneous rate at which a thermal energy level of a friction device

changes. A bulk clutch temperature or a bulk friction device temperature may refer to a current temperature of a friction device as a whole. This definition of a bulk clutch temperature is consistent with Buchanan, see col. 11, lines 35-38 of Buchanan.

The Examiner appears to refer to the bulk clutch temperature as a heat rate. This is inconsistent with the invention of Claim 1 and the embodiments disclosed in the present application. A bulk clutch temperature is clearly different than a heat rate, as defined above.

For anticipation to be present under 35 U.S.C. §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 18 USPQ.2d 1001 (Fed. Cir. 1991).

Therefore, Claim 1 is allowable for at least the above reasons. Claim 20 is allowable for at least similar reasons as Claim 1. Claims 3-6, 9, 21-24, 26 and 30-36 ultimately depend from Claims 1 and 20 and are allowable for at least similar reasons.

With respect to Claim 10, Buchanan does not at least show, teach or suggest a method that includes estimating a temperature state of a component of a friction device based on an estimated heat rate of the friction device. The temperature state is component specific. Thus, the temperature state is not the same as a bulk friction device temperature.

As best understood by Applicant, Buchanan discloses determining a bulk friction device temperature of a friction device, not estimating a temperature of a component of

a friction device. Also, Buchanan does not disclose estimating a temperature of a component based on a heat rate.

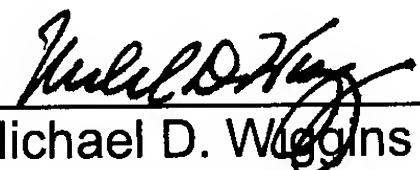
Therefore, Claim 10 is allowable for at least the above reasons. Claims 12-16 and 19 ultimately depend from Claim 10 and are allowable for at least the same reasons.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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